

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

SUPERIOR COURT

CIVIL MOTION CALENDAR

ORDER

EFFECTIVE SEPTEMBER 6, 2002

DISPOSITIVE MOTIONS

UNTIL FURTHER ORDER OF THE COURT, THE FOLLOWING PROCEDURES MUST BE OBSERVED WHEN FILING DISPOSITIVE MOTIONS:

The Calendar

Dispositive motions (i.e., motions for summary judgment filed pursuant to R.I. Super. Ct. R. Civ. P. 56 or motions to dismiss filed pursuant to R.I. Super. Ct. R. Civ. P. 12(b) or (c) are heard every Tuesday (excepting holidays). The dispositive motion calendar is called promptly at 9:30 a.m. in Courtroom 1, 3rd Floor, Licht Judicial Complex, 250 Benefit Street, Providence, R.I. (or in such other courtroom as may be designated).

Assignment and Filing of Dispositive Motions

The assignment of dispositive motions is made by the motion calendar clerk assigned to the motion calendar judge. The motion calendar clerk's office is near the courtroom where the motions are heard.

To obtain a date for hearing of a dispositive motion, the moving party must present to the motion calendar clerk the following documents: (1) an omnibus calendar assignment form; (2) duplicate copies of the motion; (3) a supporting memorandum of law; and (4) any other supporting documents (i.e., pleadings, depositions, answers to interrogatories, responses to requests for admission or affidavits).

The duplicate copy of the memorandum, which is for the trial justice's use, shall have attached to it copies of significant cases principally relied upon by the moving party. Counsel shall direct the Court's attention to relevant portions of those cases by marginal brackets or underscoring.

THE MOTION CALENDAR CLERK WILL NOT ASSIGN THE MOTION FOR THE HEARING UNLESS ALL OF THE ABOVE ARE PROVIDED AT THE TIME THE HEARING DATE IS APPLIED FOR.

The clerk will complete the omnibus form by assigning a date for hearing and returning the form to the moving party, together with a copy of this Order. The original omnibus form, motion, memorandum and any supporting documents then shall be filed immediately with the Superior Court Clerk's Office. Copies of the omnibus form, motion, memorandum and any supporting documents, together with a copy of this Order, shall be served immediately on opposing counsel, or to the party(ies) directly if not represented by counsel.

Objections to Dispositive Motions

Objections to dispositive motions should be served and filed promptly, and not later than fourteen (14) days prior to scheduled hearing date. The objection must be accompanied by a supporting memorandum of law and any other supporting documents. (i.e., pleadings, dispositions, answers to interrogatories, responses to requests for admission or affidavits). A duplicate copy of the objection, supporting memorandum and any supporting documents, which is for the trial justice's use, must be delivered to the motion calendar clerk no later than fourteen (14) days prior to the scheduled hearing. The duplicate copy of the memorandum shall have attached to it copies of significant cases principally relied upon in support of the objection. Counsel shall direct the Court's attention to relevant portions of those cases by marginal brackets or underscoring.

Response memoranda and any supplemental filings should be served and filed no later than seven (7) days prior to scheduled hearing date.

Requests for Continuances/Withdrawal of Dispositive Motions

Requests for continuances may be arranged through the motion calendar clerk up to **14 days** prior to the assigned hearing date. Requests for continuances made less than **14 days** prior to the assigned hearing date will be granted only by special permission of the motion calendar justice. Because of the time commitment required for the Court to prepare for hearings on dispositive motions, requests for continuances will not be given absent a compelling reason.

If a case in which a dispositive motion is pending is **settled** or if a moving party elects to **withdraw** or **pass** the motion, the motion calendar justice should be notified as far in advance of the assigned hearing date as is possible so that the Court can eliminate its review of the matter. Where the parties **fail to appear** for the assigned hearing without arranging with the Court for the continuance, withdrawal or passing of the motion, the Court may deem the parties to have rested on their pleadings and may render a decision at its convenience.

Requests for continuances on the date of the hearing are disfavored and will be granted only for the most compelling reasons. (N.B. "We are discussing settlement . . ." is not a compelling reason). Neither the trial justice nor the calendar clerk will call attorneys who fail to answer the call of the Calendar.

IN CASES WHEREIN THE MOVING PARTY FILES A RULE 41 MOTION TO DISMISS BASED UPON THE EXPIRATION OF FIVE YEARS WITHOUT ACTIVITY IN SAID FILE, IT IS THE RESPONSIBILITY OF COUNSEL FOR SAID MOVING PARTY TO MAKE ARRANGEMENTS WITH THE CLERK'S OFFICE TO HAVE THE FILE AVAILABLE ON THE DATE SET FOR THE HEARING OF THE MOTION.

Non-compliance with Order

Dispositive motions that are not filed in accordance with this Order will not be heard by the Court. Responses that are not filed in accordance with this Order will not be considered by the Court at the time of hearing.

Non-Dispositive Motions

Whenever counsel elects to file a supporting memoranda of law on this Calendar, the memoranda shall be delivered to the Civil Motion Calendar Clerk with the hearing date clearly printed or typed on the top of the first page above the caption of the case no later than ten (10) days before the date scheduled for hearing. Reply memoranda shall be submitted with the hearing date clearly printed or typed on the top of the first page above the caption of the case no later than five (5) days before the date of hearing.

ENTERED:

BY ORDER:

Susan E. McGuirl, Associate Justice

Clerk

Dated: September 6, 2002

NOTE: Orders submitted by agreement of the parties shall clearly so delineate in the body of the Order.